

**CENTRAL INTELLIGENCE AGENCY**  
**WASHINGTON, D.C. 20505**

*Thaddeus J. DeLoach*

Honorable Jerome R. Waldie, Chairman  
Subcommittee on Retirement and Employee Benefits  
Committee on Post Office and Civil Service  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

We wish to submit our views on a bill, S.1688, "To protect the civilian employees of the executive branch of the U. S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy," which recently passed the Senate and has been referred to your ~~sub~~committee.

This Agency is deeply committed to enhancing the morale, discipline and professionalism of Agency employees and to the extent that these qualities are dependent upon a proper regard for individual privacy, we are in agreement with the underlying principle of the bill. However, certain of its provisions could seriously impair our capability to protect intelligence sources and methods from unauthorized disclosure.

In this connection, the National Security Act of 1947, as amended, provides:

"... That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure; ...." (50 U. S. C. 403(d)(3) ).

In addition, the Central Intelligence Agency Act of 1949 provides:

"In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403(d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of any law which requires the publication, or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency...." (50 U. S. C. 403g)

S.1688 specifically authorizes adversary procedures which pose a serious paradox--the Agency must either remain silent in the face of unfounded allegations (with the alleged offending officer taking the consequences of the sanctions embodied in the bill), or it must divulge information which it is obligated by statute to protect, and disclosure of which might damage the national intelligence effort.

Enactment of the bill in its present form would be a most serious obstacle to the effective protection of intelligence sources and methods. The bill would weaken the Agency's efforts to prevent penetration by a hostile intelligence service, to ensure that its employees are suitable in all respects for employment in this sensitive Agency, and in general make it much more difficult for the Director of Central Intelligence to discharge his responsibilities under existing law. The partial exemptions granted the Agency under the bill are inadequate.

I have reviewed the position taken on this legislation by my predecessors, and concur in their position that the Agency be fully exempted from the bill as is the Federal Bureau of Investigation. I would appreciate the opportunity to testify on the bill ~~before~~ your Subcommittee to further emphasize our concerns.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby  
Director



## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

S. 1688, Ervin Bill

FROM: Office of Legislative Counsel  
7D43 Hq

EXTENSION

NO.

DATE

OLC 74-0598

1 April 1974

STAT

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. OGC Attn: Mr. Warner	4/1/74 <i>gw</i>	4/1/74 <i>gw</i>		Attached for your concurrence is a proposed letter to Representative Waldie from the Director on the Ervin bill - Invasion of Privacy.
2. <i>gw</i> <i>gwm</i>		4/3/74 <i>gw</i>		
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GEORGE L. CARY  
Legislative Counsel

CONCUR -